IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

Bail Appl..No. 1277 of 2007()

CMP.976/2007 of J.M.F.C.,TIRUR

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: PETITIONER/ACCUSED:

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1. PARAYIL MOHAMMED KUTTY,
S/O. ABDULLAKUTTY, KURUVA AMSOM,
PANG DESOM, MALAPPURAM DISTRICT.

2. PARIYANIYIL MANOJ, S/O.THAMI,
MANNATHUPARAMBA, EDAYOOR,
MALAPPURAM DISTRICT.

BY ADV. SRI.T.KRISHNAN UNNI

RESPONDENT: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
VALACHERI POLICE STATION THROUGH THE
PUBLIC PROSECUTOR, HGIH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.1277 OF 2007

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DATED THIS THE 2nd DAY OF MARCH, 2007

O R D E R

Petitioners who are the driver and cleaner of a lorry and who are accused Nos.1 and 2 in Crime No.42/07 of Valanchery Police Station for offences punishable under sections 307 and 333 read with section 34 IPC and section 4(1) read with section 21(1) of the M.M.D.R.Act, seek their enlargement on bail. The occurrence took place at about 9.50 PM on 30.1.2007. The petitioners were arrested on 12.2.2007.

2. Learned Public Prosecutor opposed the application.

3. The case of the prosecution is that at about 9.50 PM on 30.1.2007, the de facto complainant who is the Sub Inspector of Police, Valancherry while attempting to intercept the lorry carrying illicit sand was attempted to be killed by driving the lorry towards him and the Sub Inspector sustained serious injuries.

4. Having regard to the facts and circumstances of the case including the duration of the judicial custody of the petitioners, I am inclined to grant bail to the petitioners, but only with effect from a future date. Accordingly, the petitioners are directed to be released on bail with effect from 19.3.2007 on each of them executing a bond for Rs.10,000/- (Rupees ten thousand only) with two solvent sureties

each for the like amount to the satisfaction of the J.F.C.M.,Tirur and subject to the following conditions:

1. The petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioners shall make themselves available for interrogation as and when required by the Police, till the filing of the final report.

3. The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

3. The petitioners shall not commit any offence while on bail.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn